

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**WAYNCE C. JOHNSON, JR. and
KENNETH A. RUTHERFORD,**

VS.

CIVIL ACTION NO. 3:08CV50-P-S

ROBERT MITCHAM,

PLAINTIFFS,

DEFENDANT.

FINAL JUDGMENT

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND ADJUDGED** that:

(1) The plaintiffs' May 10, 2010 motion for summary judgment [68] is **GRANTED** based in part on the reasons set forth in the court's Memorandum Opinion and in part on the defendant's total failure to respond to the motion. To defeat a motion for summary judgment, the non-movant must demonstrate through a response that there is at least one genuine issue of material fact that warrants a trial to determine the contested fact or facts. As of today, over four months after the filing of the motion for summary judgment, the defendant has failed to file a response to the motion for summary judgment, nor has he contacted the court for additional time to do so.

(2) Judgment is entered in favor of the plaintiffs in the amount of \$334,000.00;

(3) This case is **CLOSED**.

SO ORDERED this the 23rd day of September, A.D., 2010.

/s/ W. Allen Pepper, Jr. _____

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE